

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MONOLITHIC POWER SYSTEMS, INC.,

Plaintiff,

v.

O2 MICRO INTERNATIONAL LIMITED,

Defendant

Case No. C 08-4567 CW

**STIPULATED DISMISSAL WITH
PREJUDICE AS TO UNITED STATES
PATENT NOS. 6,809,938; 6,856,519; 6,900,993
AND 7,120,035**

O2 MICRO INTERNATIONAL LIMITED,

Counterclaimant,

v.

MONOLITHIC POWER SYSTEMS, INC.,
ASUSTEK COMPUTER INC., ASUS
COMPUTER INTERNATIONAL, BENQ
CORPORATION, AND BENQ AMERICA
CORP.,

Counterclaim-Defendants

Stipulated Dismissal of Claims and Counterclaims
Case No. C 08-4567-CW

1 Plaintiff Monolithic Power Systems, Inc. ("MPS"), Defendant O2 Micro International
2 Limited ("O2 Micro"), and Counterclaim Defendants ASUSTeK Computer Inc. and ASUS
3 Computer International, hereby stipulate to a dismissal with prejudice of their respective claims
4 for relief concerning U.S. Patent Nos. 6,809,938 ("938 patent"); 6,856,519 ("519 patent");
5 6,900,993 ("993 patent") and 7,120,035 ("035 patent") (collectively, the "519 Patent Family")
6 based on the following premises:

- 7 (1) Whereas, on October 1, 2008, MPS filed this action seeking a declaratory
8 judgment that its power inverter controller products do not infringe any claim of
9 the '519 Patent Family and that the claims of the '519 Patent Family are invalid;
- 10 (2) Whereas, on February 11, 2009, O2 Micro filed an amended Answer that included
11 a counterclaim for infringement of U.S. Patent No. 7,417,382 ("382 patent"), as
12 well as infringement of the '938, '519, and '035 patents;
- 13 (3) Whereas, on May 5, 2009, MPS filed a Second Amended Complaint seeking a
14 declaration that (i) its power inverter controller products do not infringe any claim
15 of the '519 Patent Family or the '382 patent; (ii) that the claims of the '519 Patent
16 Family and the '382 patent are invalid; and (iii) that the claims of the '519 Patent
17 Family and the '382 patent are unenforceable due to inequitable conduct;
- 18 (4) Whereas, in the course of discovery, the parties have identified the following as
19 MPS's CCFL inverter controller products: MP1007, MP1008, MP1009, MP1010,
20 MP1010A, MP1010B, MP1011, MP1011A, MP1012, MP1013, MP1015,
21 MP1016, MP1017, MP1018, MP1018C, MP1021, MP1022, MP1022A, MP1023,
22 MP1024, MP1025, MP1025A, MP1026, MP1027, MP1028, MP1029, MP1030,
23 MP1031, MP1032, MP1033, MP1035, MP1037, MP1038, MP1039, MP1041,
24 MP1046, MP1048, MP1052, MP1060, MP1061, MP1070, MP1080, MP1088,
25 MP1251, MP1872, MP1900, MP10091, VN800, VN801, VN830, and VN831;
- 26 (5) Whereas, by its signature to this stipulation as of the date of its signature, O2
27 Micro covenants not to assert the '519 Patent Family against MPS or MPS's
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1 direct or indirect customers for past or future infringement by (i) the following
2 MPS CCFL inverter controller products in their currently existing form: MP1007,
3 MP1008, MP1009, MP1007, MP1008, MP1009, MP1010, MP1010A, MP1010B,
4 MP1011, MP1011A, MP1012, MP1013, MP1015, MP1016, MP1017, MP1018,
5 MP1018C, MP1021, MP1022, MP1022A, MP1023, MP1024, MP1025,
6 MP1025A, MP1026, MP1027, MP1028, MP1029, MP1030, MP1031, MP1032,
7 MP1033, MP1035, MP1037, MP1038, MP1039, MP1041, MP1046, MP1048,
8 MP1052, MP1060, MP1061, MP1070, MP1080, MP1088, MP1251, MP1872,
9 MP1900, MP10091, VN800, VN801, VN830, and VN831; (ii) any MPS CCFL
10 inverter controller products incorporating only insubstantial changes to the design
11 and relevant operation of the products listed in (i); and (iii) and any MPS CCFL
12 inverter modules and end-user devices incorporating such MPS CCFL inverter
13 controller products described in (i) and (ii) above.

14 If, despite the existence of this stipulation, O2 Micro alleges infringement of the '519
15 Patent Family against MPS or MPS's direct or indirect customers based on their use of the
16 aforementioned MPS products, any lawsuit must be filed in the Northern District of California.
17 O2 Micro agrees that any assignment or exclusive license to the '519 Patent Family will be
18 subject to this Stipulation.

19 As a consequence of this Stipulation, the only patent remaining in this action is U.S.
20 Patent No. 7,417,382.

21
22 Dated: June 30, 2009

Respectfully submitted,

LATHAM & WATKINS LLP

24 By: /s/
25 Mark A. Flagel

26 Attorneys for Plaintiff and Counterclaim-Defendant
27 Monolithic Power Systems, Inc.
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Dated: June 30, 2009

HOWREY LLP

By: /s/
K.T. Cherian

Attorneys for Defendant and Counterclaimant
O2 Micro International, Ltd.

Dated: June 30, 2009

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/
Scott R. Mosko

Attorneys for Plaintiff and Counterclaim-Defendant
Monolithic Power Systems, Inc. and
Counterclaim-Defendants ASUSTeK Computer Inc. and
ASUS Computer International

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ORDER

Pursuant to stipulation, it is SO ORDERED. All claims and counterclaims asserted herein as to U.S. Patent Nos. 6,809,938; 6,856,519; 6,900,993 and 7,120,035 are hereby DISMISSED with prejudice in accordance with the terms of and with respect to products as set forth in the Stipulation of the parties.

The only patent remaining in this action is U.S. Patent No. 7,417,382.

Dated: 7/14/09



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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Filer's Attestation

I, Mark A. Flagel, am the ECF User whose identification and password are being used to file this Stipulated Dismissal With Prejudice As To United States Patent Nos. 6,809,938; 6,856,519; 6,900,993 and 7,120,035. Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury that concurrence in the filing of the document has been obtained from K.T. Cherian and Scott R. Mosko.

Dated: June 30, 2009

By: /s/
Mark A. Flagel